



STATE OF NEW JERSEY  
CIVIL SERVICE COMMISSION

Chris Christie  
*Governor*  
Kim Guadagno  
*Lt. Governor*

Robert M. Czech  
*Chair/Chief Executive Officer*

**AGENDA OF REGULAR MEETING OF  
THE CIVIL SERVICE COMMISSION  
JULY 27, 2011**

**Robert M. Czech, Chairperson**  
**Robert E. Brenner**  
**Thomas J. Perna**  
**Richard E. Williams**

**WITHDRAWAL OF APPEALS**

**The following appeals were withdrawn and removed from the hearing calendar:**

Louis Andreola, Laborer, Borough of Milltown, Department of Utilities, removal.

Elmer Bethea, Street Metal Working, Newark School District, good faith layoffs.

Eddie Brown, Police Officer, City of Newark, Police Department, removal.

Kathleen Butcher, et al, City of Bridgeton, temporary good faith layoffs.

Daniel Byrne, Fire Captain, City of Elizabeth, Fire Department, suspension.

John Carroll, Police Officer, City of Jersey, Police Department, suspension.

Brian Irving, Engineer in Charge of Maintenance, Central Officer, Department of Corrections, suspension.

Michael Lalley, Police Sergeant, City of Newark, Police Department, removal.

Joseph A. Maimone, Jr., Police Officer, Town of Hammonton, Department of Public Safety, list bypass.

Anthony McCaskill, Laborer, City of Newark, Department of Neighborhood and Recreational, suspension.

Reginald McCluney, Police Officer, City of Newark, Police Department, removal.

John E. Polcyn, Police Officer, City of Camden, Police Department, good faith layoff.

Shannon Rocks, Police Officer, City of North Wildwood, Police Department, removal.

John Reinbeck, Laborer, Middlesex County, Department of Adult Corrections, removal.

Jose Rosado, Police Officer, City of Newark, Police Department, suspension.

Jose Rosado, Police Officer, City of Newark, Police Department, suspension.

Mark Santiago, Police Officer, City of Newark, Police Department, removal.

Vivian Tinson, Cottage Training Technician, New Lisbon Developmental Center, Department of Human Services, removal.

Gai Troublefield, Human Services Specialist 3, Union County, Department of Human Services, suspension and demotion.

Nicholas Wagner, Police Officer, City of Somers Point, Department of Public Safety, suspension.

**DISMISSAL FOR FAILURE TO APPEAR**

**The Civil Service Commission dismissed the following cases without prejudice for failure to appear at the scheduled hearing before the Office of Administrative Law:**

Tangee Bell, Institutional Attendant, Atlantic County, Department of Human Services, release at the end of the working test period.

Flora Cruz, Tenant Interviewer/Tenant Investigator, City of Paterson, Housing Authority, removal.

Rakiyah Floyd, Human Services Assistant, Woodbine Developmental Center, Department of Human Services, two removals.

Kesica Hill, Nursing Assistant, Cape May County, Crest Haven Nursing and Rehabilitation Center, release at the end of the working test period.

Althea Thomas-McLean, County Correction Lieutenant, Mercer County, Department of Public Safety, suspension.

Kelvin Perry, Clerk, Passaic County, Sherriff's Department, removal.

Pharenton Rolle, Human Services Assistant, Ancora Psychiatric Hospital, Department of Human Services, removal.

**SECTION A – HEARING MATTERS**

**A-1 SETTLEMENTS**

In the Matter of Kelly Arocho  
Middlesex County  
Board of Social Services  
Release at the end of the working test period

In the Matter of Angela Ragan-Cantiello  
Juvenile Justice Commission  
Department of Law and Public Safety  
Suspension

In the Matter of Charles Casey  
Ancora Psychiatric Hospital  
Department of Human Services  
Resignation not in good standing

In the Matter of Gary Degree  
Burlington County  
County Jail  
Suspension

In the Matter of Phillip DiPetta  
Albert C. Wagner Youth Facility  
Department of Corrections  
Removal

In the Matter of Gina Fritts  
North Jersey Developmental Center  
Department of Human Services  
Removal

In the Matter of Yesenia Granados  
City of Bridgeton  
Department of Public Safety  
Suspension

In the Matter of Iris Hines  
Essex County  
Department of Citizen Services  
Removal

In the Matter of Marie Johnson  
New Lisbon Developmental Center  
Department of Human Services  
Removal

In the Matter of Steven Krushinsky  
Towns of Harrison  
Police Department  
Suspension

In the Matter of Rodney McMillian  
Burlington County  
County Jail  
Suspension

In the Matter of Modesto Miranda  
City of Newark  
Police Department  
Suspension

In the Matter of Keith Penn  
Burlington County  
County Jail  
Resignation not in good standing and Suspension

In the Matter of James Spadoni  
Hunterdon Developmental Center  
Department of Human Services  
Suspension

In the Matter of Gwendolyn Taylor  
Salem County  
Department of Corrections  
Removal

In the Matter of Rudolph Waldinger  
Monmouth County  
Department of Finance  
Layoff

**RECOMMENDATION OF THE ADMINISTRATIVE LAW JUDGE IN  
THE ABOVE CASES – SETTLEMENT**

**ACTION:**

**A-2 NICOLE YOUNGER-DOYLE**

Nicole Younger-Doyle, Library Associate, Roselle Public Library, appeals the good faith of her layoff effective August 21, 2010, for reasons of economy and efficiency.

Recommendation of the Administrative Law Judge – Uphold the layoff.

**ACTION:**

**A-3 GEORGE KALINOWSKI**

George Kalinowski, County Correction Sergeant, Mercer County, Department of Public Safety, 15-working day suspension on charges of conduct unbecoming a public employee, other sufficient cause, violation of a rule, regulation, policy, procedure, order or administrative decision, involving safety and security and falsification.

Recommendation of the Administrative Law Judge – Uphold the 15-working day suspension.

**ACTION:**

**A-4 THOMAS LYNCH**

Thomas Lynch, Police Officer, Township of Voorhees, Department of Public Safety, 560-hour suspension on charges of insubordination and conduct unbecoming public employee.

Recommendation of the Administrative Law Judge – Modify the 560-hour suspension to a 30-day suspension.

**ACTION:**

**A-5 THOMAS MITCHELL**

Thomas Mitchell, Institutional Trade Instructor 2, Cooking, Northern State Prison, Department of Corrections, 45-working day suspension on charges of chronic or excessive absenteeism or lateness, other sufficient cause and falsification.

Recommendation of the Administrative Law Judge – Modify the 45-working day suspension to a 15-working day suspension.

**ACTION:**

**A-6 DEAN MANNION**

Dean Mannion, Firefighter, North Hudson Regional Fire and Rescue, eight--day suspension on charges of chronic or excessive absenteeism or lateness, conduct unbecoming a public employee and other sufficient cause.

Recommendation of the Administrative Law Judge – Modify the eight-day suspension to a six-day suspension.

**ACTION:**

**A-7 MAYLANA RHODES**

Maylana Rhodes, Juvenile Detention Officer, Hudson County, Department of Corrections, resignation not in good standing effective July 21, 2010, on charges of neglect of duty, conduct unbecoming a public employee, other sufficient cause and insubordination.

Recommendation of the Administrative Law Judge – Modify the resignation not in good standing to a six month suspension.

**ACTION:**

**A-8 DYSHEA UPSHAW**

Dyshea Upshaw, Senior Correction Officer, Albert C. Wagner Youth Correctional Facility, Department of Corrections, 30-working day suspension on charges of conduct unbecoming a public employee, other sufficient cause and violation of the Department policy prohibiting discrimination, harassment or hostile environments in the workplace.

Recommendation of the Administrative Law Judge – Uphold the 30-working day suspension.

**ACTION:**

**A-9 NAJEE WEBB**

Najee Webb, Police Officer, City of Newark, Police Department 15-day suspension on charges of conduct unbecoming a public employee, violation of the Department rules and regulations, false statements and responsibility for own actions.

Recommendation of the Administrative Law Judge – Uphold the 15-day suspension.

**ACTION:**

**A-10 WALTER BURNS**

Walter Burns, Senior Food Service Handler, Ancora Psychiatric Hospital, Department of Human Services, removal effective May 25, 2010, on charges of chronic or excessive absenteeism or lateness, conduct unbecoming a public employee and other sufficient cause.

Recommendation of the Administrative Law Judge – Grant appointing authority's motion for summary decision and uphold the removal.

**ACTION:**



**A-11 JOHN CERREATO**

John Cerrato, Human Services Specialist 2, Passaic County Board of Social Services, removal effective January 25, 2010, on charges of conduct unbecoming a public employee, dishonesty and other sufficient cause.

Recommendation of the Administrative Law Judge – Modify the removal to a 90-day suspension.

**ACTION:**

**A-12 ALAN DENNIS**

Alan Dennis, Senior Correction Officer, Northern State Prison, Department of Corrections, removal effective January 11, 2011, on charges of conduct unbecoming a public employee, other sufficient cause, falsification and violation of a rule, regulation, policy, procedure, order, or administrative decision.

Recommendation of the Administrative Law Judge – Reverse the removal.

**ACTION:**

**A-13 DWAYNE SMITH**

Dwayne Smith, Senior Correction Officer, Northern State Prison, Department of Corrections, removal effective November 22, 2010, on charges of conduct unbecoming a public employee, other sufficient cause and violation of a rule, regulation policy, procedure, order or administrative decision.

Recommendation of the Administrative Law Judge – Uphold the removal.

**ACTION:**

**A-14 TAMMY SMITH (CONSOLIDATION)**

Tammy Smith, Human Services Assistant, Woodbridge Developmental Center, Department of Human Services two removals effective May 12, 2009 and May 13, 2009, on charges of violation of policy and/or procedure, neglect of duty, willful failure to devote attention to tasks which could result in danger to a client and sleeping while on duty.

Recommendation of the Administrative Law Judge – Modify the removals to a 45-day suspension.

**ACTION:**

**A-15 SERIFATU TIAMIYU**

Serifatu Tihamiyu, Cottage Training Technician, Hunterdon Developmental Center, Department of Human Services, removal effective April 15, 2010, on charges of conduct unbecoming a public employee, neglect of duty and other sufficient cause.

Recommendations of the Administrative Law Judge – Uphold the removal.

**ACTION:**

**A-16 MICHELLE WATSON (CONSOLIDATION)**

Michelle Watson, Senior Correction Officer Juvenile Justice, Department of Law and Public Safety, 15-working day suspension and removal effective November 26, 2010, on charges of chronic or excessive absenteeism and other sufficient cause.

Recommendation of the Administrative Law Judge – Uphold the 15-working day suspension and modify the removal to a six-month suspension.

**ACTION:**

**A-17 ANTHONY WILLIAMS**

Anthony Williams, Senior Youth Worker, Juvenile Justice Commission, Department of Law and Public Safety, removal effective February 20, 2010, on charges of conduct unbecoming a public employee and other sufficient cause.

Recommendation of the Administrative Law Judge – Grant appointing authority's motion for summary decision and dismiss appellant's appeal as moot.

**ACTION:****B-1 CHANGE IN CLASSIFICATION PLAN – OFFICE OF LEGISLATIVE SERVICES – SENIOR STAFF SUPPORT SERVICES ASSISTANT AND SENIOR TRAINER, DMU**

The Office of Legislative Services requests the establishment of new unclassified titles. In accordance with *N.J.S.A. 11A:3-4c*, State Unclassified Service, employees in the Legislative Branch of State Government shall be in the unclassified service.

**MEMORANDUM**

DATE: June 29, 2011  
TO: Civil Service Commission  
FROM: Kenneth Connolly, Director, State and Local Operations  
SUBJECT: Change in the Classification Plan

**Legislature**

The Office of Legislative Services (OLS) requests the following establishment of new unclassified titles.

In accordance with *N.J.S.A. 11A:3-4(c)*, employees in the Legislative branch of State government shall be in the unclassified service.

The use of these titles will be restricted to OLS.

**CREATE TITLES EFFECTIVE JULY 2, 2011**

Senior Staff Support Services Assistant, OLS (35) X98

Senior Trainer, DMU, OLS (NL) X98

Attachments  
KC/JMM/SR

**ACTION:**

**B-2 KAREN BARKER**

Karen Barker, a Field Representative Housing, Housing Assistance Program, Department of Community Affairs, appeals the denial of sick leave injury (SLI) benefits.

**ACTION:**

**B-3 RAFAEL CEPEDA**

Rafael Cepeda, a Senior Correction Officer with Northern State Prison, Department of Corrections, represented by Daniel Geddes, Esq., appeals the denial of sick leave injury (SLI) benefits.

**ACTION:**

**B-4 HEATHER INGERSOLL**

Heather Ingersoll, a Senior Correction Officer with Bayside State Prison, Department of Corrections, represented by Daniel Geddes, Esq., appeals the denial of sick leave injury (SLI) benefits.

**ACTION:**

**B-5 ROBERT LOPER**

Robert Loper, a Senior Correction Officer with Bayside State Prison, Department of Corrections, represented by Daniel Geddes, Esq., appeals the denial of sick leave injury (SLI) benefits.

**ACTION:**

**B-6 JAMAAL TYUS**

Jamaal Tyus appeals the removal of his name from the eligible list for Medical Security Officer Recruit (S0616J), Department of Human Services, on the basis of an unsatisfactory criminal background.

**ACTION:**

**B-7 ELIZABETH BROKER**

Elizabeth Broker, a Program Assistant, Corrections, with the Department of Corrections, represented by Robert O. Yaeger, CWA Local 1040, requests a retroactive date of permanent appointment and back pay.

**ACTION:**

**B-8 JEFFREY HELLER**

Jeffrey Heller, a former Supervising Medical Security Officer at the Ann Klein Forensic Center, Department of Human Services, seeks resolution of a dispute concerning back pay.

**ACTION:**

**B-9 MATTHEW KOEP**

The Borough of South Plainfield requests that Matthew Koep receive a retroactive date of appointment.

**ACTION:**

**B-10 FAUSTO CAAMANO AND ANDRE JACKSON**

The Middlesex County Sheriff's Office, on behalf of Fausto Caamano and Andre Jackson, requests that they be permitted to participate in the intergovernmental transfer program and to complete the remainder of their working test periods as Sheriff's Officers with the Sheriff's Office.

**ACTION:**

**B-11 DOUGLAS COOK**

Douglas Cook appeals the determination of the Division of Selection Services which found that he was not eligible for the promotional examination for Greens Superintendent (PC0018N), Bergen County, because his application was postmarked after the closing date of the examination announcement.

**ACTION:**

**B-12 ALAN GATTO**

Alan Gatto appeals the decision of the Division of State and Local Operations denying his request to extend the eligible list for Employment Services Trainee (S0075L), Statewide for two years beyond its expiration date.

**ACTION:****B-13 ZAHEER HUSSAIN**

The Division of State and Local Operations, on behalf of the Department of Environmental Protection, requests that Zaheer Hussain's out-of-title work experience be accepted to qualify him for a prospective promotional examination for Network Administrator 1.

**ACTION:****B-14 CHRISTOPHER LAVER**

The Town of Hackettstown requests relaxation of *N.J.A.C.* 4A:4-7.1A(c) so as to permit the intergovernmental transfer of Christopher Laver from the title of Sheriff's Officer, Sussex County Sheriff's Office, to the title of Police Officer, Hackettstown.

**ACTION:****B-15 TANIELLE SMITH**

The Department of the Treasury requests that the provisions of *N.J.A.C.* 4A:4-1.1(c) be relaxed in order to allow Tanielle Smith to be provisionally appointed, pending promotional examination procedures, to the title of Technician, Management Information Systems.

**ACTION:****B-16 ROBERT TRENT**

Robert Trent, a Senior Investigator, Parole and Secured Facilities, represented by Catherine Elston, Esq., appeals the decision of the Department of Corrections to reassign him from the Mountainview Youth Correctional Facility to the Central Reception and assignment Facility.

**ACTION:**

**B-17 CATRINA WASHINGTON**

Catrina Washington, a former Cottage Training Technician with New Lisbon Developmental Center, Department of Human Services, represented by Stephan Siegel, Esq., requests that the Civil Service Commission reinstate her appeal of her removal effective November 24, 2008, which was dismissed based on her failure to appear at her scheduled hearing.

**ACTION:**

**B-18 JOHN C. WELSH AND ROBERT VARCADIPANE**

The Passaic County Sheriff's Office seeks acknowledgment of a rider to the settlement agreement between John C. Welsh and the Passaic County Sheriff's Office to grant Welsh a retroactive date of appointment to January 28, 2005. It also requests that a retroactive date of appointment of January 28, 2005 be provided to Robert Varcadipane.

**ACTION:**

**B-19 BHAGWAN DASS**

Bhagwan Dass, a former Construction Management Specialist 2 with the Department of Corrections, represented by Christopher Young, CWA Local 1040, appeals the determinations of the Director, Equal Employment Division, DOC, stating that the appellant failed to present sufficient evidence to support a finding that he had been subjected to violations of the New Jersey State Policy Prohibiting Discrimination in the Workplace.

**ACTION:**

**B-20 STEPHEN BEREZNY**

Stephen Berezny appeals the determination of the Division of State and Local Operations that his position with the Department of Community Affairs was properly classified as a Planned Real Estate Development Analyst 2. The appellant seeks a Planned Real Estate Development Analyst 1 classification.

**ACTION:**

**B-21 MARK BILDER AND JOSHUA WATSON**

Mark Bilder and Joshua Watson appeal the decisions of the Division of State and Local Operations which found that their positions with the Department of the Treasury are correctly classified as Building Management Services Specialist 3. They seek an Administrative Analyst 1 or a Building Management Services Specialist1 classification.

**ACTION:****B-22 CODE ENFORCEMENT OFFICER TRAINEE (M0305L), LINDENWOLD**

Lindenwold requests reconsideration of that part of the decision rendered on April 20, 2011 by the Civil Service Commission in *In the Matter of Code Enforcement Trainee (M0305L), Lindenwold*, which assessed costs of the selection process in the amount of \$1,024.

**ACTION:****B-23 KEVIN GEORGE**

Kevin George, represented by William S. Greenberg, Esq., requests reconsideration of the decision of the Civil Service Commission, rendered on March 16, 2011, ordering that the matter of his removal as a Police Sergeant with the City of Newark be remanded to the Office of Administrative Law for further proceedings.

**ACTION:****B-24 ANTHONY STALLWORTH**

The Supreme Court of New Jersey has remanded the matter of the proper disciplinary action for Anthony Stallworth to the Civil Service Commission to reconsider the appellant's disciplinary history and for the Commission to address the concerns regarding the effect the appellant's reinstatement would have on deterring other employees from similar misconduct. *See In the Matter of Anthony Stallworth, \_\_\_N.J.\_\_\_*(April 12, 2011).

**ACTION:**



**B-25 BUDGET ANALYST 3, (S0958L), STATEWIDE**

The Department of the Treasury and the Department of Children and Families requests permission not to make an appointment from the February 9, 2010 certifications (OS100073 and OS100068, respectively) for Budget Analyst 3 (S0958L). Alan Gatto appeals the request for an appointment waiver for the two February 9, 2010 certifications. He also appeals the determination of the Office of Equal Employment and Affirmative Action (EEO/AA), Treasury, stating that he failed to present sufficient evidence to support a finding that he had been subjected to violations of the New Jersey State Policy Prohibiting Discrimination in the Workplace.

**ACTION:****B-26 ELECTRICIAN (S0049K), BAYSIDE STATE PRISON**

In *In the Matter of Electrician (S0049K), Bayside State Prison* (CSC, decided January 14, 2009), the appointing authority's request for an appointment waiver from the June 9, 2008, certification was granted and no selection costs were assessed at that time since there was a possibility that the list could be utilized prior to its expiration. However, the appointing authority did not utilize the subject eligible list and the matter of the assessment of costs is now before the Civil Service Commission.

**ACTION:****B-27 LIBRARIAN (M0571M), BLOOMFIELD PUBLIC LIBRARY**

Bloomfield Public Library, represented by Thomas O. Johnston, Esq., request permission not to make an appointment from the April 4, 2011 certification for Librarian (M0571M).

**ACTION:****B-28 PROGRAM SUPPORT SPECIALIST 3, ASSISTANCE PROGRAM AND SUPPORT SPECIALIST 1, ASSISTANCE PROGRAM, DEPARTMENT OF HUMAN SERVICES**

The Director, State and Local Operations, requests the reallocation of the Program Support Specialist 3, Assistance Program and Program Support Specialist 1, Assistance Program, Department of Human Services titles to the noncompetitive division of the career service for one pay period.

**ACTION:**

**B-29 TAM DANG**

The appeal of Tam Dang, a Senior Maintenance Repairer with the Summit Housing Authority, of his removal, effective March 3, 2010, on charges, was heard by Administrative Law Judge Evelyn J. Marose, who rendered her initial decision on April 12, 2011. At its meeting on July 13, 2011, the Civil Service Commission adopted the ALJ's recommendation to acknowledge the settlement agreement between the parties. However, the Commission found it necessary to address the exceptions filed by the appellant. The proposed final decision is now submitted for the Commission's review.

**ACTION:****B-30 DAN JUNIOR HINES**

The appeal of Dan Junior Hines, a Supervisor Sewers/Supervisor Streets with the City of Hackensack, of his removal, effective October 12, 2010, on charges, was heard by Administrative Law Judge Kimberly A. Moss, who rendered her initial decision on May 17, 2011. At its meeting on July 13, 2011, the Civil Service Commission adopted the ALJ's recommendation to modify the removal to a six-month suspension. Additionally, the Commission ordered that the appellant be demoted to a non-supervisory position. The proposed final decision is now submitted for the Commission's review.

**ACTION:****B-31 JOSE SANTANA**

The appeal of Jose Santana, a Painter at Stockton State College, of his 10-day suspension, on charges, was heard by Administrative Law Judge Bruce M. Gorman, who rendered his initial decision on July 16, 2010, reversing the 10-day suspension. At its meeting on July 13, 2011, the Civil Service Commission did not adopt the ALJ's recommendation. Rather, the Commission upheld the 10-day suspension. The proposed final decision is now submitted for the Commission's review.

**ACTION:**

**B-32 MICHAEL ACKER**

Michael Acker appeals the determination of the Division of Selection Services, which found that he did not meet the experience requirements for the promotional examination for Network Administrator 1 (PC0543M), Camden County.

**ACTION:**

**B-33 CORNELIUS BARKER**

Cornelius Barker appeals the determination of the Division of Selection Services which found that, per the substitution clause for education, he was below the minimum requirements in experience for the promotional examination for Assistant Director of Social Rehabilitation Services (PC0147N), Hudson County.

**ACTION:**

**B-34 DIANNE HABERSTICK**

Dianne Haberstick appeals the determination of the Division of Selection Services which found that, as per the substitution clause for education, she was below the minimum requirements in experience for the open competitive examination for Chief of Investigations (S0733M).

**ACTION:**

**B-35 TIMOTHY KELLY**

Timothy Kelly appeals the administration of the oral portion of the examination for Police Captain (PM7529M), West Orange.

**ACTION:**

**B-36 DONNA LEE-THOMAS**

Donna Lee-Thomas appeals the determination of the Division of Selection Services which found that, per the substitution clause for education, she did not meet the requirements for the promotional examination for Senior Management Assistant (PS0522R), Board of Public Utilities.

**ACTION:**

**B-37 JEANETTE W. MARQUEZ**

Jeanette W. Marquez appeals the determination of the Division of Selection Services which found that she did not meet the requirements for the promotional examination for Supervising Community Program Specialist (PS3711K), Department of Human Services.

**ACTION:**

**B-38 BARBARA STOFF**

Barbara Stoff appeals the determinations of the Division of Selection Services which found that she was below the minimum requirements in education and experience for the promotional examination for Manager 4, Environmental Protection, Natural Resources Wildlife (PS6813G), Department of Environmental Protection.

**ACTION:**